A Plea for limited

MONARCHY,

As it was Eſtabliſhed in this

NATION,

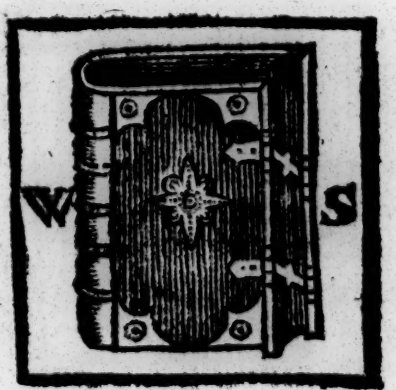
before the late War.

an Humble Addreſſe to his Excellency,

General Monck:

a Zealot for the Good Old Laws of his Country, before any Faction or Caprice.

Optima Libertas, ubi Rex, cum Lege, Gubernat.



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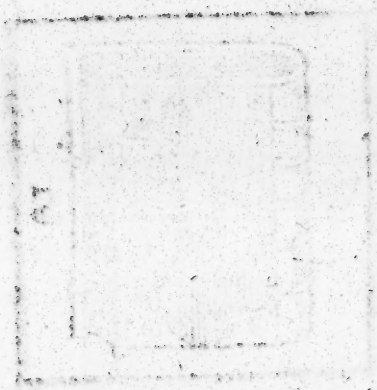

A Plea for limited Monarchy, as it was eſtabliſhed in this Nation before the late War.

In an humble Addreſs to his Excellency, General Monck.

SIR,

FInding, by ſeveral Letters, publiſhed in Your Name, that you profeſſe a more then ordinary zeal to popular Government; and not knowing any thing herein, that can ſo miſlead you, but the glorious pretence of a Free State (a notion, which hath, even, intoxicated many; (otherwiſe, great and worthy Perſons;) I held it my Duty, firſt, to acquaint you, how neceſſary it is, to diſtinguiſh betwixt the Form and Eſſence of a Common-wealth, the miſtake whereof (each for the other) hath proved ſo fatall in our times: Next to examine, Whether thoſe that ſurfeited of our Kingly Government, and longed for Novelty, have not, indeed, (like the Dog in the Fable) loſt the ſubſtance of Liberty and happineſs, in purſuit of the ſhadow.

Our fierce Champions of a Free State will not, I preſume, maintain, that it is ſubject to no violations, leaſt wofull experience confute, and force them to confeſſe, either that a Common-wealth may degenerate; or, at leaſt, that this never was a Commonwealth: And, as they muſt renounce their ſenſes, ſo they muſt deny the Faith of Story, which proves, that Republicks

licks have been ſometimes invaded with Uſurpation, ſometimes Debauched, and Embaſed with Oligarchy; moſtly (by reaſon of their weakneſſe, and diviſions) ſubdued, or forced to truckle under their neighbouring Princes) alwayes tormented with faction. Neither, indeed, do they, themſelves offer any argument but ſuch, as, in effect, beg the queſtion, by preſuppoſing great unity in the Coalition, great probity in the Intention, and great purity in the Exerciſe; which doubtleſſe, being admitted, we ſhould ſo little need to differ about Forms, that perhaps, we ſhould ſcarce need any Government at all. The ſtouteſt aſſertors of Monarchy, likewiſe, muſt acknowledge, That it, being but earthen ware, (though the fineſt and ſtrongeſt) is ſubject to divers accidents; For nothing under heaven is perfect: And when we conſtitute Governments, we muſt not think to build Babels againſt the Deluge, but embank againſt floods and encloſe the beſt we can againſt Treſpaſſours. This being premiſed, let us conſider theſe two Governments, not Metaphyſically, in notions, abſtracted from their ſubjects, (a paſtime, which our Platonicks much delight in) but morally and reaſonably, as concrete, and adapted to times, places, and perſons, viz. our own.

I might, perhaps decide the queſtion, in few words, by alledging the manifeſt inclination of the whole people, now to Monarchy; For, *As no man can be wronged with his conſent, ſo neither is any to be obliged againſt his will*; And how ſhould a Government founded upon inequality and force, ever ſubſiſt without it? Or a State, which is the meer Adjective of an Army, become a Subſtantive; beginnings of this

this kinde being so ominous? As reasonably might I object matter of Title, and forraign pretence; For the same estate, with a flaw in the Conveyance, or clogged with Statutes and Judgments, is not, surely, of like value, as if it had descended clearly from the great Grandfather, and were free both from Claimes and Incumbrances; and one that hath little, yet ows nothing, is likelier to thrive then he, who owing vast sums (which he resolves never to pay) dares not walk the streets for fear of Serjeants; But my intent is, onely, to shew, that our former Government (as it excellently complyed with the Laws, Genius, and Interest of this Nation) so it comprehended all the benefits of a Common-wealth, in great perfection; And this I shall doe, as briefly, as I can.

To shew how it complyed with our Lawes and Constitutions, let it suffice, that (Monarchy in these Nations, being more ancient then story or record, more Venerable than Tradition it self) our Laws were born (as it were) under that Climate, habituated to that ayre and dyet, grafted into that stock; and though they have (God be thanked) forgot their *Norman*, yet they will hardly learn *Greek*, much lesse, *Utopian*: That, in the late Protectours time, our Lawyers, with one voice, importuned him, rather to assume the stile and power of a King, to which, they found, all our Laws were shaped, then retain that of a Protectour, unknown to the Law: That nothing hath rendred our Architectours of a Commonwealth more obnoxious, then that their infinite discords in other things, generally, agreed in the necessity of subverting all our Fundamentals, in order to their Designe; which hath likewise oblig'd all sober men,

and

and true Patriots (even the chiefeſt Pillars of the Parliaments Cauſe, in the late War) to unite themſelves, with the Royall Intereſt, as not enduring to hear of thoſe violent and dangerous alterations, which they ſee a Republick muſt introduce.

For its compliance with our Genius, conſider, that as our Engliſh nature is not like the French, ſupple to oppreſſion, and apt to delight in that pompe and magnificence of their Lords, which they know, is ſupported with their ſlavery and hunger; Nor like the High-land *Scots*, where the honour and Intereſt of the Chief is the glory of the whole *Clan*; ſo doth it, as little or leſſe, agree with the *Dutch* humour, addicted onely to Traffick, Navigation, Handy-craft, and ſordid Thrift; and (in defiance of Herauldry) every man fancying his own Scutcheon: Doth not every one amongſt us, that hath the name of a Gentleman, aim his utmoſt to uphold it? Every one that hath not, to raiſe one? To this end, do not our very Yeomen commonly leave their Lands to the eldeſt Son, and to the others, nothing but a Flail or Plough? Did not every one, that had any thing like an eſtate, pinch himſelf in his condition, to purchaſe a knighthood or ſmall Patent? What need further proof? Our late experience of that glympſe and ſhadow of Monarchy, (though in perſons hated, and ſcorned, and upon a moſt ſcandalous account) yet (for meere reſemblance) admitted as tolerable, and in reſpect of a Common-wealth, Courted, clearly evinces, how gratefull the ſubſtance would be to Engliſhmen.

For our Intereſt, briefly (to wave tedious and politick diſcourſes,) certain it is, that our Republick, (were it like to ſettle) would alarme all our Neighbours,

bours, would make our beſt Allies, our bittereſt enemies, and (upon ſeveral accounts) probably draw upon us, the united forces of Chriſtendome to cruſh the *Embrio*. Which (the Nation being ſo weakened, and divided, as it is,) muſt evidently endanger our totall oppreſſion, or at leaſt, to bring in the King by Conqueſt: Beſides, by what Title ſhall we pretend to hold *Scotland* and *Ireland*, ſince that of Deſcent is, now avoided, and Conſent we know there is none, nor, indeed, can any be expected?

I come now to aſſert, that our former Government, eminently, included all the perfections of a Free State, and was the Kernel, as it were, of a Common-wealth, in the ſhell of Monarchy; Firſt, I will begin with the eſſential parts of a Common-wealth, which are three, *viz.* The Senate Propoſing, the People Reſolving, the Magiſtrate Executing: For the Senate or Parliament, if, ever there were a free, and honourable one, it was here; where the Deputies of the whole Nation, moſt freely choſen, did, with like freedome, meet, propound, debate and vote all matters of common Intereſt: No danger eſcaped their Repreſenting; no grievance, their complaint; no publick right, their Claim, or good, their Demand; In all which, the leaſt breach of Priviledge was branded as a civil Sacriledge. And though there lay no Appeal to the diſperſed body of the People (a deciſion manifeſtly impracticable in Government, and fitter indeed for Tribunes to move, then Nations to admit) yet (Elections being ſo popular, and Aſſemblies frequent) the ſame end was attained with much more ſafety and convenience. The Prince had, likewiſe (in effect) but an executive Power, which he exerciſed by Miniſters and Officers, not onely ſworn,

but ſeverely accomptable: For though both he and the Lords had their Negatives in making Laws; yet (no Tax being impoſable, but by Conſent of the Commons, nor any Law, (without it) of ſuch validity, that the Miniſters of Juſtice durſt enforce it;) There was a wiſe and ſweet neceſſity, for the King, and likewiſe for the Lords (who were but as a graine in the Royall Scale) to confirm all ſuch Bills, as were convenient for the People, and not greatly hurtfull to the Prince; And ſo this Bug-bear Negative, was reſolved into a meer Target, to ſhelter and preſerve the Government from being altered, at the Will of the Commons, if, at any time they ſhould prove Factious: which (being in reaſon manifeſt) hath been alſo confirmed by great experience: Our Kings having, rarely, obſtructed any Bill, which they might ſafely grant; but on the other ſide, paſſed many high Acts of meere Grace, circumſcribing their Prerogative, and clipping its Wings; nay, I could wiſh they had not peirced its bowels.

This was that triple Cord, which one would think, could not be broken; nor indeed, was it broken, but cut aſunder: This was our Gold, ſeven times refined; for every Bill, being thrice read, debated and agreed, in either Houſe, was at laſt, brought to the King, for his Royall Aſſent, the Mint of our Laws: A triall ſo exact, that ſurely, no droſſe could eſcape it; ſince all Intereſts muſt thereto concur (As truly, it was but fit they ſhould, in the Eſtabliſhment of that, which muſt binde them all.) This was that Temperament, which poiſed our Humours, and at once, endued us, with health, vigour and beauty; No Vote was precipitated, no Act was huddled up; As by ſad

events, we have ſince ſeen, that, Power being engroſſed by one of the Eſtates, purged and modelled to the Intereſts of a Faction; a conſequence natural to ſuch premiſes: (As in a Ballance conſiſting but of one ſcale) nothing hath been weighed, our laws have been Mandrakes of a Nights growth, and our times as fickle as the weather or multitude.

The King indeed, had the Power of making War, but he had not the means; And then, it ſignified no more, than giving him leave to flye, if he could get wings; or to go beyond Sea, ſo he went without ſhipping: He had a Sword, but he (alone) could never draw it; for the Trained-Bands were a Weapon, which he (decently) wore, but the Nation, onely, could uſe: He choſe his Miniſters, (as who doth not his ſervants?) But alas; he was accomptable for them, to the Trienniall Parliament, which none but the ſoundeſt Integrity could abide: He could hinder the ſtroke of Juſtice with his Pardon (though ſtill, the jaws not being muzzled, it would bite terribly) But certainly, it was great wiſdome, rather, to give way; ſince (with his own ſcandall) he could afford offenders but a lame and ſcurvey Protection; and ſince the Power of relieving his Wants reſted in the Commons, to ballance his Will, and oblige him to a Correſpondence with Parliaments.

That his Perſon ſhould be moſt Sacred, it was but needfull; to avoid circulation of accompt; reaſonable, ſince it carries with it, the Conſent of Nations; Juſt, that he ſhould not be the meer But of Faction and Malice, in worſe condition, than the baſeſt of Vaſſals; Honourable, that the nakedneſſe of Government might not be daily uncovered; Wiſe, in

the constitution, not at once, to trust and provoke by forcing him to shift for his own Indemnity, the danger to the Publick seeming so extream, as the Outlawry of a Prince; no task by daily experience so difficult, as the arraigning of any Power, whether Regall or Popular; And since we make golden Bridges, for flying enemies, much more may we afford them to relenting Soveraigns; (upon which accounnt, in our neighbour Kingdome of *France*, the Princes of the blood are not subjected to capital Punishments;) Finally, very safe, in the consequence for (being (by the danger, threatning his corrupt Ministers) in all probability, stript of Agents) his personall impunity might, well, signifie somewhat to himself, but nothing to the People.

A Revenue he had, for the support of his State and Family, ample; for the ordinary Protection of his People, sufficient; but for any undertaking, or effective; and for publick oppression, so inconsiderable, that when Prerogative was most Rampant, the greatest Princes (and some doubtlesse, we have had the most renowned Warriours of their Ages) could never prudently aspire to make themselves sole Legislatours, nor presumed to maintain *Redevants* in times of Peace. If any object, (as some, concerned are ready enough) that Kingly Power could be no longer, subsist, for want of Revenew; It is easily answered, That a King of *France*, indeed, could not, and God forbid, he should; but a King of *England* might, and (for ought I see) still may (the Rent of Crown Lands, which exceeded not the value of 100000l. *per annum*, being, methinks, no matter of utter ruine, but rather of easie compensation.) For

the publick Revenue was proportioned to the maintenance of Courts, not Campes and Fleets; A Gentleman of reasonable estate may live well on his Rents; But then, it is not convenient, he should keep Wenches, or hangers on, nor build, nor study Chymistry; In fine, the Revenue was very competent for ordinary disbursments, as for extraordinary, if he resorted to Parliaments, the wiser he, the safer and happier, we.

I defie all our Projectours of Common-wealths, to contrive greater freedom for their Citizens, then is provided by *Magna Charta*, and the *Petition of Right*; Or shew us, that it is not much easier to violate, than to mend them: For, thereby our Lives, Liberties, and Estates were, under Monarchy secured, and established, I think, as well as any thing, on this side Heaven: It were no solœcisme to say, the Subject had his Prerogative, as well, as the King; And, sure I am, he was in as good (if not better) condition to maintain it, the dependance being lesse on his side: Liberty was no lesse sacred then Majesty; *Noli me tangere*, was likewise its Motto; And in case of any, the least infringement (as escapes in Government may happen even in the most perfect;) It was resented, as if the Nation had received a box on the Ear; If it be, as they say, the glory of a Free-State, to exalt, the scandall of Tyranny, to Embase our Spirits; doubtlesse, this was our onely Common-wealth: For, ever since, me thinks, we have learned quietly to take the Bastonade.

I wish we now could, or could ever hope, under our Common-wealth (what ever promises may be made us) so perfectly to distinguish the Legislative from

from the Miniſterial Authority, as once we did; when the Houſe of Commons had not the power of a *Court Leet* to give an Oath, nor of a Juſtice of the Peace, to make a *Mittimus*: Which diſtinction, doubtleſſe, is the moſt vitall part of Freedome, and far more conſiderable to poore Subjects, than the pretended Rotation; As on the contrary, the confuſion of them is an accompliſhment of ſervitude; For which the beſt Republicks, I fear, have more to anſwer, than any limited Prince can have: Certain it is, that as our King in his perſonall capacity, made no Laws, ſo neither did he, by himſelf, execute or interpret any: No Judge took notice of his ſingle Command, to juſtifie any Treſpaſs; no, not ſo much as the breaking of an Hedge; his Power was limited by his Juſtice, he was (equally, with the meaneſt of his Subjects) concerned in that honeſt Maxime, *We may doe juſt ſo much and no more, than we have right to do*; And it was moſt properly ſaid, *He could do no wrong*; becauſe if it were wrong, he did it not, he could not do it; It was void in the act, puniſhable in his agent: His Officers, as they were alike liable, ſo perhaps, they were more obnoxious to Indictments and ſuits, than any other, by how much their treſpaſſe ſeemed to be of a higher nature, and gave greater alarm: His private Will could not countermand his Publick; his Privy ſeal, ever buckled to the great Seal, as being the Nations, more than his; his Order ſuperſeded no Proceſſe, and his diſpleaſure threatened no man with an hours impriſonment, after the return of *Habeas Corpus*: An Under-Sheriff was more terrible, a Conſtable more ſawcy, a Bailiff more troubleſome than he: And yet, by his genuine Authority, this Scabbard of Prerogative (as ſome in deri-

derision, have called it) which (if it would) could scarce oppresse an Orphane; Tumult was curbed, Faction moderated, Usurpation forestalled, Intervals prevented, Perpetuities obviated, Equity administred, Clemency exalted, and the people made, onely nice and wanton with their happiness, as appears by their (now so impatient) calling for that Mannah, which they (so causelessely) loathed.

To Conclude, what shall I add? The Act, enjoyning the Keepers of the great Seal, under pain of High Treason, to summon a Triennial Parliament, of course, by virtue of the Act, without further Warrant; The Act, forbidding the Privy Councel, under like penalty, to intermeddle with *Meum & Tuum*; the Laws abolishing the *Star-chamber*, *High-Commission*, *&c.* branding all past, and bridling all future enormities; the Statutes limiting the Kings Claimes, and relieving his Tenants from exaction of Forfeitures; Besides many other principal immunities, wherewith (by the special favour of God, and bounty of our Princes) we were blessed, farre beyond any of our Neighbours; Above all, our assurance, that we might readily, have obtained such further addition and perfection of Liberty (if, yet, any such there were) as would consist with modesty, or liberty it self to ask: Do they not, aloud, proclaim, that we were then, the mirrour of Governments, envy of Monarchies, and shame of Commonwealths; who could not but blush, to see themselves so ecclipsed and silenced, in all their pretences to Freedome? Do they not more than justifie my Assertion, *That with all the Ornaments of the noblest Kingdome, we had likwise, all the enjoyments of the freest State.*

FINIS.